



25 February 2025

Australian Department of Infrastructure, Transport, Regional Development,  
Communications and the Arts

**By Email:** [aviationcustomerrights@infrastructure.gov.au](mailto:aviationcustomerrights@infrastructure.gov.au)

Dear Australian Department of Infrastructure, Transport, Regional Development,  
Communications and the Arts,

### **Submission on the Aviation Customer Rights Charter**

The Disability Discrimination Commissioner and the Australian Human Rights Commission (**Commission**) welcome the commitments in the Aviation White Paper, which recognises the discrimination and undignified treatment that people with disability experience in air travel.<sup>1</sup>

The Commission welcomes the Aviation Customer Rights Charter (**Charter**) and the co-design of Aviation Specific Disability Transport Standards (**Aviation Standards**). These are promising next steps in embedding human rights within the legislation, regulation, policy, and practice of the aviation industry to eliminate discrimination against people with disability.

### **Aviation Customer Rights Charter**

The draft Charter sets out 6 rights to ensure aviation customers are receiving appropriate treatment and access to remedial avenues.<sup>2</sup>

Right 1 of the Charter states that Aviation Customers have the right to:

*"Be treated with dignity and respect, in an accessible and inclusive environment."<sup>3</sup>*

This right aligns with the general principles and obligations under international human rights laws and domestic discrimination laws,<sup>4</sup> however, it fails to include an explicit reference to protection from discrimination.

People with disability experience discrimination in air travel based on a multitude of factors such as inaccessible infrastructure, negative attitudes towards disability, and inaccessible policies, procedures and practices. Experiences of

discrimination have a serious impact on the wellbeing, independence and inclusion of people with disability.

As human rights are interdependent, accessible transport is fundamentally connected to the realisation of the right to non-discrimination for people with disability.

The Commission recommends that Right 1 of the Charter include: 'free from discrimination'. This addition would introduce existing obligations, in line with international human rights laws and domestic discrimination legislation.<sup>5</sup>

The Commission is hopeful that the introduction of the Charter and Aviation Standards will improve the experiences of all customers, including those with disability, in aviation.

### **Aviation Industry Ombuds Scheme**

The Commission is broadly supportive of the proposed Aviation Industry Ombuds Scheme (**AIOS**) being established. The proposed AIOS will allow customers to resolve complaints and issues 'directly with the relevant airline or airport'.<sup>6</sup>

The Aviation Customer Rights Charter Consultation Paper states that 'making a complaint to the AIOS will not preclude a customer from also pursuing a claim through a court or tribunal or other process, such as through the Australian Human Rights Commission'.<sup>7</sup> The Commission has cautioned that the introduction of the AIOS could create jurisdictional overlap with the complaints function of the Commission and other complaint handling bodies.

In October 2024, the Commission provided a submission to the Aviation Industry Ombuds Scheme Consultation on this issue.<sup>8</sup>

The Commission considers it more appropriate for the Ombuds to handle complaints under the proposed Aviation Charter of Rights, and to have powers to refer relevant matters to the Commission, and the Commission to have power to refer relevant matters to the new entity, where this is considered a more appropriate forum for complaint handling.

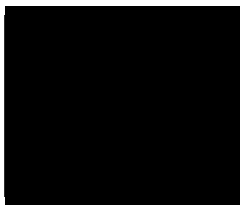
A 'no wrong doors' approach should be adopted for initial complaints, with referrals to the body best placed to investigate. This would also allow a

regulator not to accept a complaint if it has already been properly considered elsewhere.<sup>9</sup>

In creating the AIOS, the Australian Government must ensure that this scheme avoids duplicating the role and functions of other complaint handling bodies.

The Commission looks forward to engaging further on the implementation of the disability related initiatives in the White Paper.

Yours sincerely



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<sup>1</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Aviation White Paper: Towards 2050' (August 2024), p 47 – 63.

<sup>2</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Aviation Customer Rights Charter: Consultation Paper' (December 2024), p 7.

<sup>3</sup> *Ibid*, p 8.

<sup>4</sup> This includes international human rights conventions where Australia is a signatory, including the *Convention on the Rights of the Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 320 (entered into force 3 May 2008), and Australian Federal Discrimination Acts, including: *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Sex Discrimination Act 1984* (Cth), *Racial Discrimination Act 1975* (Cth).

<sup>5</sup> *Ibid*.

<sup>6</sup> Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Aviation Customer Rights Charter: Consultation Paper' (December 2024), p 14.

<sup>7</sup> *Ibid*.

<sup>8</sup> Australian Human Rights Commission, Submission to Department of the Australian Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 'Submission to the Aviation Industry Ombuds Scheme Consultation' (17 October 2024).

<sup>9</sup> *Ibid*, p6.